

SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

OUT-OF-AGENCY SERVICE AGREEMENT

July 2, 2009 (Agenda)

LAFCO 09-3:

City of Santa Barbara - Rivera Trust

LOCATION

A .78 acre lot contiguous on the south and west to the City of Santa Barbara in the Montecito area (731 Coyote Road).

RECOMMENDATION

Expand the City sphere of influence to include this parcel, and

Authorize the City to provide sewer service outside of its boundaries for a single-family residential use.

GENERAL ANALYSIS:

1. Present and Future Land Use, District Boundaries and Public Services

The single family residence at 731 Coyote Road was destroyed by the Tea Fire. The property was previously served by a septic system but failed percolation tests for a new septic system require the rebuilt residence to connect to a public sewer to obtain final occupancy approvals.

Connection to the City's sewer system requires only a 300 foot extension and is the most logical solution. The property is not in the Montecito Sanitary District nor is it practical to be served by that District.

The parcel requesting service (APN 013-070-022) is continuous to the City Sphere of Influence and City boundaries on two sides. It is proposed to expand the City Sphere and authorize the City to provide sewer service for this parcel.

This .78 acre parcel is designated SRR-0.5 in the comprehensive plan and is zoned 2-E-1. This permits reconstruction of the single-family that was consumed by the Tea Fire.

2. LAFCO Approval is Required

LAFCO regulates boundary changes and extensions of public service without boundary changes. Government Code §56133(a) states that "A city or district may provide new or extended services by contract or agreement outside of its jurisdictional boundaries only if it first requests and receives written approval from the commission."

It provides further that LAFCO “. . . may authorize a city or district to provide new or extended services outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization.”

3. Commission Policy Regarding Out-of-Agency Services vs. Annexations

The Commission's policy is that “Annexations to cities and special districts are generally preferred for providing public services; however, out-of-agency service agreements can be an appropriate alternative. While each proposal must be decided on its own merits, the Commission may favorably consider such agreements in the following situations:

1. Services will be provided to a small portion of a larger parcel and annexation of the entire parcel would be inappropriate in terms of orderly boundaries, adopted land use plans, open space/greenbelt agreements or other relevant factors.
2. Lack of contiguity makes annexation infeasible given current boundaries and the requested public service is justified based on adopted land use plans or other entitlements for use.
3. Where public agencies have a formal agreement defining service areas, provided LAFCO has formally recognized the boundaries of the agreement area
4. Emergency or health related conditions mitigate against waiting for annexation.
5. Other circumstances which are consistent with the statutory purposes and the policies and standards of the Santa Barbara LAFCO.

This proposal appears to meet next to the last exception since connecting the residence to the City sewer without concurrent annexation will take much less time than annexing the property to the City which will require a General Plan Amendment and rezoning. Such a future annexation may include additional properties in the general area.

4. Landowner Consent to Annex in order to Receive Sewer Service

It is the Commission's policy that whenever property may ultimately be annexed to a city or district, approval of an out-of-agency service agreement should require the landowner to agree to annex the territory with a recorded consent to annex. Such agreements should be required of this service connection, and the City is supportive of this recommendation.

The City indicates annexation of the parcel may occur, possibly as part of a larger future annexation. The Sewer Connection Agreement between the property owner and the City includes the standard “consent to annexation” language.

5. Environmental Impact of the Proposal

The City has prepared a Notice of Exemption pursuant to CEQA Guideline section 15268, "Individual Utility Service Connection" a copy of which is enclosed.

No change in land use is proposed as a result of the out-of-agency service extension other than reconstruction and habitation of the home,

ALTERNATIVES FOR COMMISSION ACTION

After consideration of this report and any testimony or additional materials that are submitted the Commission should consider taking one of the following options:

Option 1 APPROVE the request with specific terms and conditions.

1. Find the change in the Sphere of Influence and the out-of-agency service agreement to be categorically exempt.
2. Amend the City Sphere of Influence to include this parcel.
3. Authorize the City of Santa Barbara to provide sewer service subject to the following terms and limitations:
 - A. LAFCO's approval applies to both current and future property owners.
 - B. Service is approved only for existing and replacement structures and facilities.
 - C. Approval to extend services beyond those specifically noted herein is withheld and is subject to future LAFCO review.
 - D. Before the service is provided the property owner shall record an agreement consenting to annex the parcel to the City.

Option 2 DENY the request.

Option 3 CONTINUE the item to obtain additional information.

RECOMMENDED ACTION:

Approve **Option 1.**



BOB BRAITMAN
Executive Officer
LOCAL AGENCY FORMATION COMMISSION

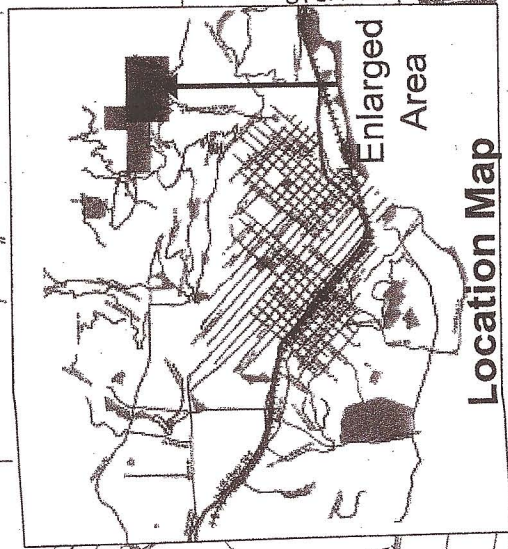
Proposed Out-of-City Service Agreement

731 Coyote Rd (APN 013-070-022)

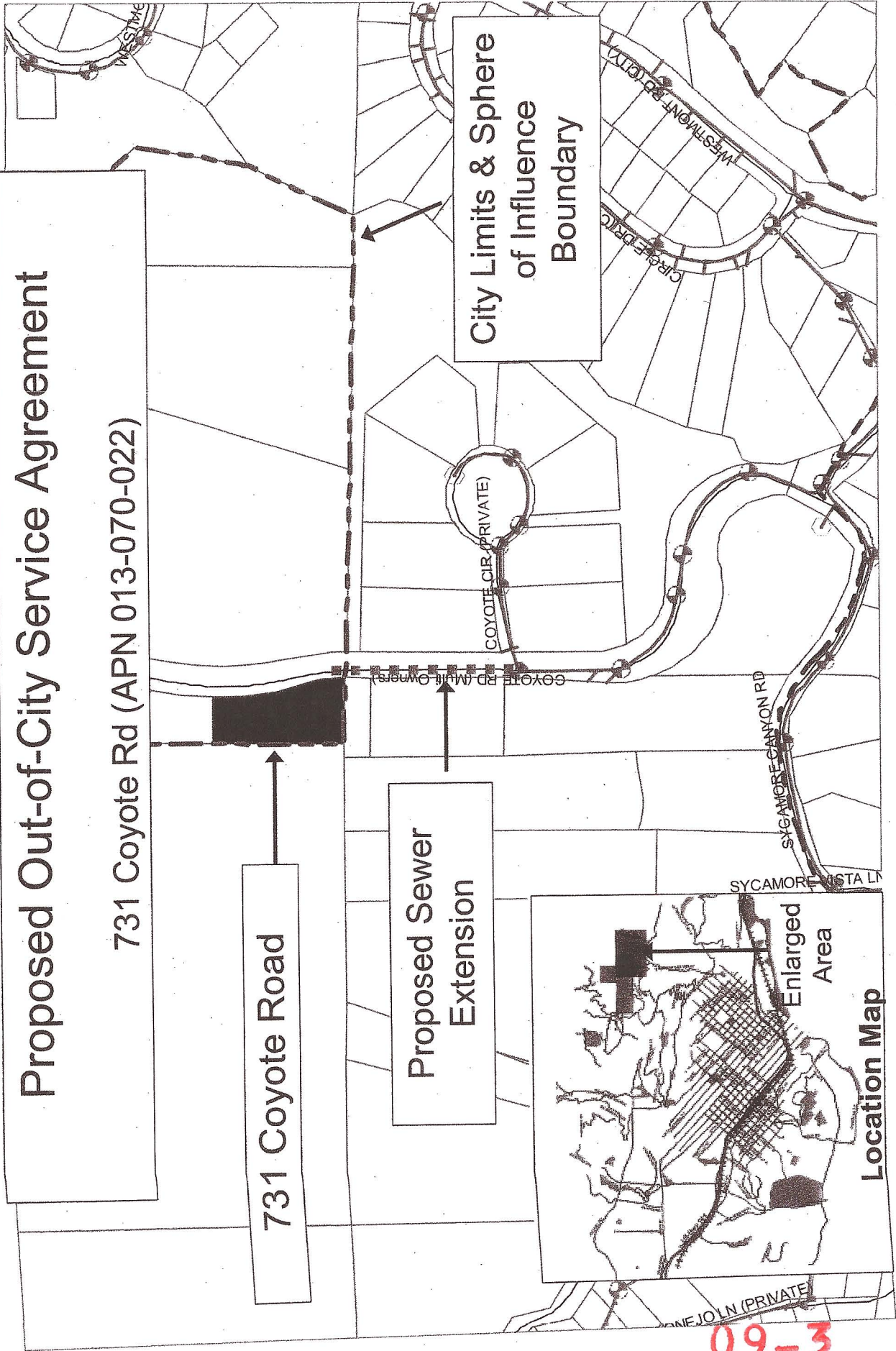
731 Coyote Road

Proposed Sewer Extension

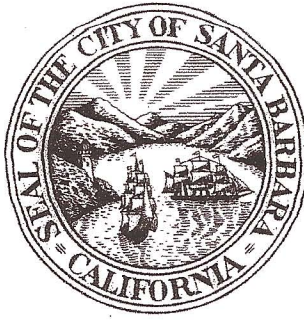
City Limits & Sphere of Influence Boundary



Location Map



09-3



NOTICE OF EXEMPTION

TO: COUNTY CLERK OF THE BOARD
COUNTY OF SANTA BARBARA
105 E. ANAPAMU STREET
SANTA BARBARA, CA 93101

FROM: CITY OF SANTA BARBARA
PLANNING DIVISION
P.O. BOX 1990
SANTA BARBARA, CA 93102-1990

Type of Project: Out of City Sewer service agreement
Project Number: MST2009-00276
Assessor's Parcel Number: 013-070-022
Land Use Zone: County Residential
Projection Location (Specific): 731 Coyote Road
Project Location: County of Santa Barbara

Project Description: Extend sewer main 300 feet in Coyote Road to serve a single family residence outside the City limits.

Name of Public Agency Approving Project: CITY OF SANTA BARBARA
Name of Person or Agency Carrying Out Project: City of Santa Barbara
Lead Agency Contact: Michael Berman Telephone: (805) 564-5470

Exempt Status: Exempt under CEQA Section § 15268 Individual utility service connection

Reason Why Project is Exempt: The project would extend an existing sewer line approximately 300 feet to service a single family residence. Most of the line extension would be beneath an existing improved roadway. A review of the City of Santa Barbara Master Environmental Assessment and site photographs shows that the project would not result in any significant environmental impacts because there are no sensitive environmental resources or hazards that would be affected by or would affect the project.

Environmental Analyst Signature: _____

Date: _____

09-3

LAFCO 09-3

RESOLUTION OF THE SANTA BARBARA LOCAL AGENCY FORMATION
COMMISSION AUTHORIZING THE CITY OF SANTA BARBARA TO PROVIDE
OUT-OF-AGENCY SERVICES

(Rivera - APN 013-070-022)

WHEREAS, the above-referenced request has been filed with the Executive Officer of the Santa Barbara Local Agency Formation Commission pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code); and

WHEREAS, at the times and in the manner required by law the Executive Officer has given notice of the Commission's consideration of this request, and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to this request including, but not limited to, the Executive Officer's report and recommendation, and

NOW, THEREFORE, BE IT RESOLVED DETERMINED AND ORDERED by the Santa Barbara Local Agency Formation Commission as follows:

- (1) The proposal is categorically exempt from CEQA.
- (2) Said out-of-agency service agreement is hereby approved.
- (3) The approval is subject to the following terms and limitations:
 - A. This approval applies to current and future property owners.
 - B. Sewer service is the only authorized service and approval to extend services beyond that specifically noted herein is withheld and is subject to future LAFCO review.
 - C. Before service is provided the property owner shall record an agreement consenting to annex the parcel to the City

This resolution adopted on July 2, 2000 is effective on the date signed by the Chair.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair, Santa Barbara Local Agency Formation Commission